

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALPHA VENTURE CAPITAL PARTNERS LP,
CARACCILOLO FAMILY TRUST, GREGORY
A. GOULD, LAW OFFICES OF KENNETH E.
CHYTEN 401(k) PROFIT SHARING PLAN,
GAVIN MYERS, and MARTIN PETERSON,
derivatively on behalf of CYTODYN, INC.

Plaintiffs,

v.

NADER Z. POURHASSAN

Defendant,

-and-

CYTODYN, INC., a Delaware Corporation

Nominal Defendant.

No. 3:20-cv-05909-JLR

NOTICE OF APPEAL BY PLAINTIFFS

Please take notice that Plaintiffs Alpha Venture Capital Partners LP, Caracciolo Family Trust, Gregory A. Gould, Law Offices of Kenneth E. Chyten 401(k) Profit Sharing Plan, Gavin Myers, and Martin Peterson (collectively, "Plaintiffs") hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Order Granting Defendant Dr. Pourhassan's Motion to Dismiss (Dkt. No. 27) dated March 12, 2021 (the "Order"), and the Judgment in a Civil Case (Dkt. No. 28) entered on March 12, 2021 (the "Judgment"), and from all decisions and orders of the Court that formed the basis for the Order and/or the Judgment.

NOTICE OF APPEAL - 1
Case No. 3:20-cv-05909-JLR

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Pursuant to Ninth Circuit Rule 3-2, Plaintiffs' Representation Statement is attached to this Notice.

Dated this 9th day of April, 2021.

/s/ Rylan Weythman

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on April 9, 2021, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing.

Executed in Seattle, Washington this 9th day of April, 2021.

s/ Kimberly Fergin

Kimberly Fergin, Legal Assistant